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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,022	12/21/2000	Andrew Sheehan	QRSC0001	2275
22862	7590	07/07/2004	EXAMINER	
GLENN PATENT GROUP 3475 EDISON WAY, SUITE L MENLO PARK, CA 94025			HAMILTON, LALITA M	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 07/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



## Office Action Summary

	Application No.	Applicant(s)
	09/746,022	SHEEHAN ET AL.
Examiner	Art Unit	
Lalita M Hamilton	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-19 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-3, 8-9, 11-17, and 19 are rejected under 35 U.S.C. 102(a) as being anticipated by Alaia (6,230,146).

Alaia discloses a system and corresponding method for controlling closing times of electronic auction comprising an Internet website content supported on a web server that allows frequent buyers and sellers to pre-register and pre-qualify one another so that surplus merchandise can find a quick and ready market, a retail-content computer-program module included in the Internet website content, an authenticated trading computer-program module included in the Internet website content, a staged-auctions computer-program module included in the Internet website content, a trading-tools computer-program module included in the Internet website content, and an integrated purchase-order fulfillment computer-program module included in the Internet website content wherein, sellers can conduct auctions of merchandise over the Internet in at least two rounds in which a first round is limited to a select group of said buyers (col.2, line 59 to col.3, line 5, 45-65; col.21, line 1 to col.22, line 53; and fig.2-all); an Internet

connection allows a buyer-seller community and a public to log-on to the marketplace (col.2, line 59 to col.3, line 5, 45-65; col.21, line 1 to col.22, line 53; and fig.2-all); a database for storing information provided by users when registering that includes basic facts necessary to facilitate sales between users, and preferences that each have for types and kinds of merchandise (col.2, line 59 to col.3, line 5, 45-65; col.21, line 1 to col.22, line 53; and fig.2-all); the database is such that when said users are issued "passports" they are required to identify at least one preferred trading partner (col.2, line 59 to col.3, line 5, 45-65; col.21, line 1 to col.22, line 53; and fig.2-all); the retail-content computer-program module collects and disseminates news and other information needed by users to stay on top of relevant events that affect their businesses and business activities (col.2, line 59 to col.3, line 5, 45-65; col.21, line 1 to col.22, line 53; and fig.2-all); the staged-auctions computer-program module manages any posting and a later conduct of a pre-auction and public auction, and sends e-mails to any visa holders to announce any of relevant pre-auction and public auctions (col.2, line 59 to col.3, line 5, 45-65; col.21, line 1 to col.22, line 53; and fig.2-all); the trading-tools computer-program module allows a buyer to post a merchandise profile they will buy, and e-mails are automatically generated to buyers to notify them that such merchandise has been posted for sale (col.2, line 59 to col.3, line 5, 45-65; col.21, line 1 to col.22, line 53; and fig.2-all); the integrated purchase-order fulfillment computer-program module provides synchronization of company purchasing and logistic systems with others (col.2, line 59 to col.3, line 5, 45-65; col.21, line 1 to col.22, line 53; and fig.2-all); submitting a description of merchandise and preferences by a seller to commence an

auction, choosing by said seller whether to have a staged-auction, if a staged auction, listing at least one preferred buyer who may participate in a first-round pre-auction, e-mailing each of said preferred buyers a notice that they are invited to participate in said pre-auction, conducting said first-round pre-auction for said preferred buyers by accepting bids for said merchandise, deducting any units of said merchandise that received a bid from a total to determine a remaining total of merchandise, and opening up a wider second-round auction of said remaining total of merchandise to include other than said preferred buyers (col.2, line 59 to col.3, line 5, 45-65; col.21, line 1 to col.22, line 53; and fig.2-all); conducting said first-round pre-auction ends at an appointed time (col.2, line 59 to col.3, line 5, 45-65; col.21, line 1 to col.22, line 53; and fig.2-all); the step of conducting said first-round pre-auction ends when a predetermined minimum number of items have received bids (col.2, line 59 to col.3, line 5, 45-65; col.21, line 1 to col.22, line 53; and fig.2-all); automatically generating any purchase orders and a bills-of-lading for any of said merchandise according to information gathered from said seller and said preferred buyer during a registration process (col.2, line 59 to col.3, line 5, 45-65; col.21, line 1 to col.22, line 53; and fig.2-all); and the step of listing at least one preferred buyer is such that a visa is granted by said seller to said buyer (col.2, line 59 to col.3, line 5, 45-65; col.21, line 1 to col.22, line 53; and fig.2-all).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 4-7, 10, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alaia in view of Harrington (6,161,099).

Alaia discloses the invention substantially as claimed; however, Alaia does not disclose users being issued "passports" when they register that are required for a posting of an auction; the authenticated trading computer-program module issues passports to pre-registered and pre-qualified users for their access to the marketplace; or registering users who are afterwards able to participate in said pre-auction as a buyer or a seller and issuing a passport upon registration. Harrington teaches a system and corresponding method for conducting auctions over electronic networks comprising users being issued "passports" when they register that are required for a posting of an auction; the authenticated trading computer-program module issues passports to pre-

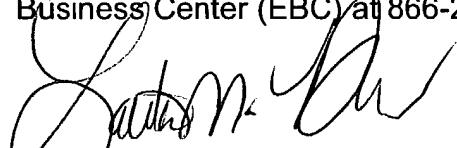
registered and pre-qualified users for their access to the marketplace; and registering users who are afterwards able to participate in said pre-auction as a buyer or a seller and issuing a passport upon registration (col.8, lines 29-43 and fig.4-all). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate users being issued "passports" when they register that are required for a posting of an auction; the authenticated trading computer-program module issues passports to pre-registered and pre-qualified users for their access to the marketplace; and registering users who are afterwards able to participate in said pre-auction as a buyer or a seller and issuing a passport upon registration, as taught by Harrington into the invention disclosed by Alaia, to allow for users to be tracked through the registration process.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M Hamilton whose telephone number is (703) 306-5715. The examiner can normally be reached on Tuesday-Thursday (8:30-4:30).

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
LMH

VINCENT MILLIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600